



Juvenile Justice Reform Committee

Adopted in House Comm. on Mar 12, 2008

09500HB4988ham001

LRB095 17571 LCT 47482 a

1 AMENDMENT TO HOUSE BILL 4988

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4988 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Juvenile Court Act of 1987 is amended by  
5 changing Sections 5-410 and 5-710 and by adding Part 10 to  
6 Article V as follows:

7 (705 ILCS 405/5-410)

8 Sec. 5-410. Non-secure custody or detention.

9 (1) Any minor arrested or taken into custody pursuant to  
10 this Act who requires care away from his or her home but who  
11 does not require physical restriction shall be given temporary  
12 care in a foster family home or other shelter facility  
13 designated by the court.

14 (2) (a) Any minor 13 ~~10~~ years of age or older arrested  
15 pursuant to this Act where there is probable cause to believe  
16 that the minor is a delinquent minor and that (i) secured

1 custody is a matter of immediate and urgent necessity for the  
2 protection of the minor or of the person or property of  
3 another, (ii) the minor is likely to flee the jurisdiction of  
4 the court, or (iii) the minor was taken into custody under a  
5 warrant, may be kept or detained in an authorized detention  
6 facility. No minor under 12 years of age shall be detained in a  
7 county jail or a municipal lockup for more than 6 hours.

8 (b) The written authorization of the probation officer or  
9 detention officer (or other public officer designated by the  
10 court in a county having 3,000,000 or more inhabitants)  
11 constitutes authority for the superintendent of any juvenile  
12 detention home to detain and keep a minor for up to 40 hours,  
13 excluding Saturdays, Sundays and court-designated holidays.  
14 These records shall be available to the same persons and  
15 pursuant to the same conditions as are law enforcement records  
16 as provided in Section 5-905.

17 (b-4) The consultation required by subsection (b-5) shall  
18 not be applicable if the probation officer or detention officer  
19 (or other public officer designated by the court in a county  
20 having 3,000,000 or more inhabitants) utilizes a scorable  
21 detention screening instrument, which has been developed with  
22 input by the State's Attorney, to determine whether a minor  
23 should be detained, however, subsection (b-5) shall still be  
24 applicable where no such screening instrument is used or where  
25 the probation officer, detention officer (or other public  
26 officer designated by the court in a county having 3,000,000 or

1 more inhabitants) deviates from the screening instrument.

2 (b-5) Subject to the provisions of subsection (b-4), if a  
3 probation officer or detention officer (or other public officer  
4 designated by the court in a county having 3,000,000 or more  
5 inhabitants) does not intend to detain a minor for an offense  
6 which constitutes one of the following offenses he or she shall  
7 consult with the State's Attorney's Office prior to the release  
8 of the minor: first degree murder, second degree murder,  
9 involuntary manslaughter, criminal sexual assault, aggravated  
10 criminal sexual assault, aggravated battery with a firearm,  
11 aggravated or heinous battery involving permanent disability  
12 or disfigurement or great bodily harm, robbery, aggravated  
13 robbery, armed robbery, vehicular hijacking, aggravated  
14 vehicular hijacking, vehicular invasion, arson, aggravated  
15 arson, kidnapping, aggravated kidnapping, home invasion,  
16 burglary, or residential burglary.

17 (c) Except as otherwise provided in paragraph (a), (d), or  
18 (e), no minor shall be detained in a county jail or municipal  
19 lockup for more than 12 hours, unless the offense is a crime of  
20 violence in which case the minor may be detained up to 24  
21 hours. For the purpose of this paragraph, "crime of violence"  
22 has the meaning ascribed to it in Section 1-10 of the  
23 Alcoholism and Other Drug Abuse and Dependency Act.

24 (i) The period of detention is deemed to have begun  
25 once the minor has been placed in a locked room or cell or  
26 handcuffed to a stationary object in a building housing a

1 county jail or municipal lockup. Time spent transporting a  
2 minor is not considered to be time in detention or secure  
3 custody.

4 (ii) Any minor so confined shall be under periodic  
5 supervision and shall not be permitted to come into or  
6 remain in contact with adults in custody in the building.

7 (iii) Upon placement in secure custody in a jail or  
8 lockup, the minor shall be informed of the purpose of the  
9 detention, the time it is expected to last and the fact  
10 that it cannot exceed the time specified under this Act.

11 (iv) A log shall be kept which shows the offense which  
12 is the basis for the detention, the reasons and  
13 circumstances for the decision to detain and the length of  
14 time the minor was in detention.

15 (v) Violation of the time limit on detention in a  
16 county jail or municipal lockup shall not, in and of  
17 itself, render inadmissible evidence obtained as a result  
18 of the violation of this time limit. Minors under 17 years  
19 of age shall be kept separate from confined adults and may  
20 not at any time be kept in the same cell, room or yard with  
21 adults confined pursuant to criminal law. Persons 17 years  
22 of age and older who have a petition of delinquency filed  
23 against them may be confined in an adult detention  
24 facility. In making a determination whether to confine a  
25 person 17 years of age or older who has a petition of  
26 delinquency filed against the person, these factors, among

1 other matters, shall be considered:

2 (A) The age of the person;

3 (B) Any previous delinquent or criminal history of  
4 the person;

5 (C) Any previous abuse or neglect history of the  
6 person; and

7 (D) Any mental health or educational history of the  
8 person, or both.

9 (d) (i) If a minor 12 years of age or older is confined in a  
10 county jail in a county with a population below 3,000,000  
11 inhabitants, then the minor's confinement shall be implemented  
12 in such a manner that there will be no contact by sight, sound  
13 or otherwise between the minor and adult prisoners. Minors 12  
14 years of age or older must be kept separate from confined  
15 adults and may not at any time be kept in the same cell, room,  
16 or yard with confined adults. This paragraph (d) (i) shall only  
17 apply to confinement pending an adjudicatory hearing and shall  
18 not exceed 40 hours, excluding Saturdays, Sundays and court  
19 designated holidays. To accept or hold minors during this time  
20 period, county jails shall comply with all monitoring standards  
21 promulgated by the Department of Corrections and training  
22 standards approved by the Illinois Law Enforcement Training  
23 Standards Board.

24 (ii) To accept or hold minors, 12 years of age or older,  
25 after the time period prescribed in paragraph (d) (i) of this  
26 subsection (2) of this Section but not exceeding 7 days

1 including Saturdays, Sundays and holidays pending an  
2 adjudicatory hearing, county jails shall comply with all  
3 temporary detention standards promulgated by the Department of  
4 Corrections and training standards approved by the Illinois Law  
5 Enforcement Training Standards Board.

6 (iii) To accept or hold minors 12 years of age or older,  
7 after the time period prescribed in paragraphs (d)(i) and  
8 (d)(ii) of this subsection (2) of this Section, county jails  
9 shall comply with all programmatic and training standards for  
10 juvenile detention homes promulgated by the Department of  
11 Corrections.

12 (e) When a minor who is at least 15 years of age is  
13 prosecuted under the criminal laws of this State, the court may  
14 enter an order directing that the juvenile be confined in the  
15 county jail. However, any juvenile confined in the county jail  
16 under this provision shall be separated from adults who are  
17 confined in the county jail in such a manner that there will be  
18 no contact by sight, sound or otherwise between the juvenile  
19 and adult prisoners.

20 (f) For purposes of appearing in a physical lineup, the  
21 minor may be taken to a county jail or municipal lockup under  
22 the direct and constant supervision of a juvenile police  
23 officer. During such time as is necessary to conduct a lineup,  
24 and while supervised by a juvenile police officer, the sight  
25 and sound separation provisions shall not apply.

26 (g) For purposes of processing a minor, the minor may be

1 taken to a County Jail or municipal lockup under the direct and  
2 constant supervision of a law enforcement officer or  
3 correctional officer. During such time as is necessary to  
4 process the minor, and while supervised by a law enforcement  
5 officer or correctional officer, the sight and sound separation  
6 provisions shall not apply.

7 (3) If the probation officer or State's Attorney (or such  
8 other public officer designated by the court in a county having  
9 3,000,000 or more inhabitants) determines that the minor may be  
10 a delinquent minor as described in subsection (3) of Section  
11 5-105, and should be retained in custody but does not require  
12 physical restriction, the minor may be placed in non-secure  
13 custody for up to 40 hours pending a detention hearing.

14 (4) Any minor taken into temporary custody, not requiring  
15 secure detention, may, however, be detained in the home of his  
16 or her parent or guardian subject to such conditions as the  
17 court may impose.

18 (Source: P.A. 93-255, eff. 1-1-04.)

19 (705 ILCS 405/5-710)

20 (Text of Section before amendment by P.A. 95-337 and  
21 95-642)

22 Sec. 5-710. Kinds of sentencing orders.

23 (1) The following kinds of sentencing orders may be made in  
24 respect of wards of the court:

25 (a) Except as provided in Sections 5-805, 5-810, 5-815,

1 a minor who is found guilty under Section 5-620 may be:

2 (i) put on probation or conditional discharge and  
3 released to his or her parents, guardian or legal  
4 custodian, provided, however, that any such minor who  
5 is not committed to the Department of Juvenile Justice  
6 under this subsection and who is found to be a  
7 delinquent for an offense which is first degree murder,  
8 a Class X felony, or a forcible felony shall be placed  
9 on probation;

10 (ii) placed in accordance with Section 5-740, with  
11 or without also being put on probation or conditional  
12 discharge;

13 (iii) required to undergo a substance abuse  
14 assessment conducted by a licensed provider and  
15 participate in the indicated clinical level of care;

16 (iv) placed in the guardianship of the Department  
17 of Children and Family Services, but only if the  
18 delinquent minor is under 13 years of age;

19 (v) placed in detention for a period not to exceed  
20 30 days, either as the exclusive order of disposition  
21 or, where appropriate, in conjunction with any other  
22 order of disposition issued under this paragraph,  
23 provided that any such detention shall be in a juvenile  
24 detention home and the minor so detained shall be 13 ~~10~~  
25 years of age or older. However, the 30-day limitation  
26 may be extended by further order of the court for a

1 minor under age 13 committed to the Department of  
2 Children and Family Services if the court finds that  
3 the minor is a danger to himself or others. The minor  
4 shall be given credit on the sentencing order of  
5 detention for time spent in detention under Sections  
6 5-501, 5-601, 5-710, or 5-720 of this Article as a  
7 result of the offense for which the sentencing order  
8 was imposed. The court may grant credit on a sentencing  
9 order of detention entered under a violation of  
10 probation or violation of conditional discharge under  
11 Section 5-720 of this Article for time spent in  
12 detention before the filing of the petition alleging  
13 the violation. A minor shall not be deprived of credit  
14 for time spent in detention before the filing of a  
15 violation of probation or conditional discharge  
16 alleging the same or related act or acts;

17 (vi) ordered partially or completely emancipated  
18 in accordance with the provisions of the Emancipation  
19 of Minors Act;

20 (vii) subject to having his or her driver's license  
21 or driving privileges suspended for such time as  
22 determined by the court but only until he or she  
23 attains 18 years of age;

24 (viii) put on probation or conditional discharge  
25 and placed in detention under Section 3-6039 of the  
26 Counties Code for a period not to exceed the period of

1           incarceration permitted by law for adults found guilty  
2           of the same offense or offenses for which the minor was  
3           adjudicated delinquent, and in any event no longer than  
4           upon attainment of age 21; this subdivision (viii)  
5           notwithstanding any contrary provision of the law; or

6                   (ix) ordered to undergo a medical or other  
7           procedure to have a tattoo symbolizing allegiance to a  
8           street gang removed from his or her body.

9           (b) A minor found to be guilty may be committed to the  
10          Department of Juvenile Justice under Section 5-750 if the  
11          minor is 13 years of age or older, provided that the  
12          commitment to the Department of Juvenile Justice shall be  
13          made only if a term of incarceration is permitted by law  
14          for adults found guilty of the offense for which the minor  
15          was adjudicated delinquent. The time during which a minor  
16          is in custody before being released upon the request of a  
17          parent, guardian or legal custodian shall be considered as  
18          time spent in detention.

19          (c) When a minor is found to be guilty for an offense  
20          which is a violation of the Illinois Controlled Substances  
21          Act, the Cannabis Control Act, or the Methamphetamine  
22          Control and Community Protection Act and made a ward of the  
23          court, the court may enter a disposition order requiring  
24          the minor to undergo assessment, counseling or treatment in  
25          a substance abuse program approved by the Department of  
26          Human Services.

1           (2) Any sentencing order other than commitment to the  
2 Department of Juvenile Justice may provide for protective  
3 supervision under Section 5-725 and may include an order of  
4 protection under Section 5-730.

5           (3) Unless the sentencing order expressly so provides, it  
6 does not operate to close proceedings on the pending petition,  
7 but is subject to modification until final closing and  
8 discharge of the proceedings under Section 5-750.

9           (4) In addition to any other sentence, the court may order  
10 any minor found to be delinquent to make restitution, in  
11 monetary or non-monetary form, under the terms and conditions  
12 of Section 5-5-6 of the Unified Code of Corrections, except  
13 that the "presentencing hearing" referred to in that Section  
14 shall be the sentencing hearing for purposes of this Section.  
15 The parent, guardian or legal custodian of the minor may be  
16 ordered by the court to pay some or all of the restitution on  
17 the minor's behalf, pursuant to the Parental Responsibility  
18 Law. The State's Attorney is authorized to act on behalf of any  
19 victim in seeking restitution in proceedings under this  
20 Section, up to the maximum amount allowed in Section 5 of the  
21 Parental Responsibility Law.

22           (5) Any sentencing order where the minor is committed or  
23 placed in accordance with Section 5-740 shall provide for the  
24 parents or guardian of the estate of the minor to pay to the  
25 legal custodian or guardian of the person of the minor such  
26 sums as are determined by the custodian or guardian of the

1 person of the minor as necessary for the minor's needs. The  
2 payments may not exceed the maximum amounts provided for by  
3 Section 9.1 of the Children and Family Services Act.

4 (6) Whenever the sentencing order requires the minor to  
5 attend school or participate in a program of training, the  
6 truant officer or designated school official shall regularly  
7 report to the court if the minor is a chronic or habitual  
8 truant under Section 26-2a of the School Code.

9 (7) In no event shall a guilty minor be committed to the  
10 Department of Juvenile Justice for a period of time in excess  
11 of that period for which an adult could be committed for the  
12 same act.

13 (8) A minor found to be guilty for reasons that include a  
14 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
15 be ordered to perform community service for not less than 30  
16 and not more than 120 hours, if community service is available  
17 in the jurisdiction. The community service shall include, but  
18 need not be limited to, the cleanup and repair of the damage  
19 that was caused by the violation or similar damage to property  
20 located in the municipality or county in which the violation  
21 occurred. The order may be in addition to any other order  
22 authorized by this Section.

23 (8.5) A minor found to be guilty for reasons that include a  
24 violation of Section 3.02 or Section 3.03 of the Humane Care  
25 for Animals Act or paragraph (d) of subsection (1) of Section  
26 21-1 of the Criminal Code of 1961 shall be ordered to undergo

1 medical or psychiatric treatment rendered by a psychiatrist or  
2 psychological treatment rendered by a clinical psychologist.  
3 The order may be in addition to any other order authorized by  
4 this Section.

5 (9) In addition to any other sentencing order, the court  
6 shall order any minor found to be guilty for an act which would  
7 constitute, predatory criminal sexual assault of a child,  
8 aggravated criminal sexual assault, criminal sexual assault,  
9 aggravated criminal sexual abuse, or criminal sexual abuse if  
10 committed by an adult to undergo medical testing to determine  
11 whether the defendant has any sexually transmissible disease  
12 including a test for infection with human immunodeficiency  
13 virus (HIV) or any other identified causative agency of  
14 acquired immunodeficiency syndrome (AIDS). Any medical test  
15 shall be performed only by appropriately licensed medical  
16 practitioners and may include an analysis of any bodily fluids  
17 as well as an examination of the minor's person. Except as  
18 otherwise provided by law, the results of the test shall be  
19 kept strictly confidential by all medical personnel involved in  
20 the testing and must be personally delivered in a sealed  
21 envelope to the judge of the court in which the sentencing  
22 order was entered for the judge's inspection in camera. Acting  
23 in accordance with the best interests of the victim and the  
24 public, the judge shall have the discretion to determine to  
25 whom the results of the testing may be revealed. The court  
26 shall notify the minor of the results of the test for infection

1 with the human immunodeficiency virus (HIV). The court shall  
2 also notify the victim if requested by the victim, and if the  
3 victim is under the age of 15 and if requested by the victim's  
4 parents or legal guardian, the court shall notify the victim's  
5 parents or the legal guardian, of the results of the test for  
6 infection with the human immunodeficiency virus (HIV). The  
7 court shall provide information on the availability of HIV  
8 testing and counseling at the Department of Public Health  
9 facilities to all parties to whom the results of the testing  
10 are revealed. The court shall order that the cost of any test  
11 shall be paid by the county and may be taxed as costs against  
12 the minor.

13 (10) When a court finds a minor to be guilty the court  
14 shall, before entering a sentencing order under this Section,  
15 make a finding whether the offense committed either: (a) was  
16 related to or in furtherance of the criminal activities of an  
17 organized gang or was motivated by the minor's membership in or  
18 allegiance to an organized gang, or (b) involved a violation of  
19 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
20 a violation of any Section of Article 24 of the Criminal Code  
21 of 1961, or a violation of any statute that involved the  
22 wrongful use of a firearm. If the court determines the question  
23 in the affirmative, and the court does not commit the minor to  
24 the Department of Juvenile Justice, the court shall order the  
25 minor to perform community service for not less than 30 hours  
26 nor more than 120 hours, provided that community service is

1 available in the jurisdiction and is funded and approved by the  
2 county board of the county where the offense was committed. The  
3 community service shall include, but need not be limited to,  
4 the cleanup and repair of any damage caused by a violation of  
5 Section 21-1.3 of the Criminal Code of 1961 and similar damage  
6 to property located in the municipality or county in which the  
7 violation occurred. When possible and reasonable, the  
8 community service shall be performed in the minor's  
9 neighborhood. This order shall be in addition to any other  
10 order authorized by this Section except for an order to place  
11 the minor in the custody of the Department of Juvenile Justice.  
12 For the purposes of this Section, "organized gang" has the  
13 meaning ascribed to it in Section 10 of the Illinois Streetgang  
14 Terrorism Omnibus Prevention Act.

15 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06.)

16 (Text of Section after amendment by P.A. 95-337 and 95-642)  
17 Sec. 5-710. Kinds of sentencing orders.

18 (1) The following kinds of sentencing orders may be made in  
19 respect of wards of the court:

20 (a) Except as provided in Sections 5-805, 5-810, 5-815,  
21 a minor who is found guilty under Section 5-620 may be:

22 (i) put on probation or conditional discharge and  
23 released to his or her parents, guardian or legal  
24 custodian, provided, however, that any such minor who  
25 is not committed to the Department of Juvenile Justice

1 under this subsection and who is found to be a  
2 delinquent for an offense which is first degree murder,  
3 a Class X felony, or a forcible felony shall be placed  
4 on probation;

5 (ii) placed in accordance with Section 5-740, with  
6 or without also being put on probation or conditional  
7 discharge;

8 (iii) required to undergo a substance abuse  
9 assessment conducted by a licensed provider and  
10 participate in the indicated clinical level of care;

11 (iv) placed in the guardianship of the Department  
12 of Children and Family Services, but only if the  
13 delinquent minor is under 15 years of age or, pursuant  
14 to Article II of this Act, a minor for whom an  
15 independent basis of abuse, neglect, or dependency  
16 exists. An independent basis exists when the  
17 allegations or adjudication of abuse, neglect, or  
18 dependency do not arise from the same facts, incident,  
19 or circumstances which give rise to a charge or  
20 adjudication of delinquency;

21 (v) placed in detention for a period not to exceed  
22 30 days, either as the exclusive order of disposition  
23 or, where appropriate, in conjunction with any other  
24 order of disposition issued under this paragraph,  
25 provided that any such detention shall be in a juvenile  
26 detention home and the minor so detained shall be 13 ~~10~~

1 years of age or older. However, the 30-day limitation  
2 may be extended by further order of the court for a  
3 minor under age 15 committed to the Department of  
4 Children and Family Services if the court finds that  
5 the minor is a danger to himself or others. The minor  
6 shall be given credit on the sentencing order of  
7 detention for time spent in detention under Sections  
8 5-501, 5-601, 5-710, or 5-720 of this Article as a  
9 result of the offense for which the sentencing order  
10 was imposed. The court may grant credit on a sentencing  
11 order of detention entered under a violation of  
12 probation or violation of conditional discharge under  
13 Section 5-720 of this Article for time spent in  
14 detention before the filing of the petition alleging  
15 the violation. A minor shall not be deprived of credit  
16 for time spent in detention before the filing of a  
17 violation of probation or conditional discharge  
18 alleging the same or related act or acts;

19 (vi) ordered partially or completely emancipated  
20 in accordance with the provisions of the Emancipation  
21 of Minors Act;

22 (vii) subject to having his or her driver's license  
23 or driving privileges suspended for such time as  
24 determined by the court but only until he or she  
25 attains 18 years of age;

26 (viii) put on probation or conditional discharge

1           and placed in detention under Section 3-6039 of the  
2           Counties Code for a period not to exceed the period of  
3           incarceration permitted by law for adults found guilty  
4           of the same offense or offenses for which the minor was  
5           adjudicated delinquent, and in any event no longer than  
6           upon attainment of age 21; this subdivision (viii)  
7           notwithstanding any contrary provision of the law; or  
8                       (ix) ordered to undergo a medical or other  
9           procedure to have a tattoo symbolizing allegiance to a  
10          street gang removed from his or her body.

11          (b) A minor found to be guilty may be committed to the  
12          Department of Juvenile Justice under Section 5-750 if the  
13          minor is 13 years of age or older, provided that the  
14          commitment to the Department of Juvenile Justice shall be  
15          made only if a term of incarceration is permitted by law  
16          for adults found guilty of the offense for which the minor  
17          was adjudicated delinquent. The time during which a minor  
18          is in custody before being released upon the request of a  
19          parent, guardian or legal custodian shall be considered as  
20          time spent in detention.

21          (c) When a minor is found to be guilty for an offense  
22          which is a violation of the Illinois Controlled Substances  
23          Act, the Cannabis Control Act, or the Methamphetamine  
24          Control and Community Protection Act and made a ward of the  
25          court, the court may enter a disposition order requiring  
26          the minor to undergo assessment, counseling or treatment in

1 a substance abuse program approved by the Department of  
2 Human Services.

3 (2) Any sentencing order other than commitment to the  
4 Department of Juvenile Justice may provide for protective  
5 supervision under Section 5-725 and may include an order of  
6 protection under Section 5-730.

7 (3) Unless the sentencing order expressly so provides, it  
8 does not operate to close proceedings on the pending petition,  
9 but is subject to modification until final closing and  
10 discharge of the proceedings under Section 5-750.

11 (4) In addition to any other sentence, the court may order  
12 any minor found to be delinquent to make restitution, in  
13 monetary or non-monetary form, under the terms and conditions  
14 of Section 5-5-6 of the Unified Code of Corrections, except  
15 that the "presentencing hearing" referred to in that Section  
16 shall be the sentencing hearing for purposes of this Section.  
17 The parent, guardian or legal custodian of the minor may be  
18 ordered by the court to pay some or all of the restitution on  
19 the minor's behalf, pursuant to the Parental Responsibility  
20 Law. The State's Attorney is authorized to act on behalf of any  
21 victim in seeking restitution in proceedings under this  
22 Section, up to the maximum amount allowed in Section 5 of the  
23 Parental Responsibility Law.

24 (5) Any sentencing order where the minor is committed or  
25 placed in accordance with Section 5-740 shall provide for the  
26 parents or guardian of the estate of the minor to pay to the

1 legal custodian or guardian of the person of the minor such  
2 sums as are determined by the custodian or guardian of the  
3 person of the minor as necessary for the minor's needs. The  
4 payments may not exceed the maximum amounts provided for by  
5 Section 9.1 of the Children and Family Services Act.

6 (6) Whenever the sentencing order requires the minor to  
7 attend school or participate in a program of training, the  
8 truant officer or designated school official shall regularly  
9 report to the court if the minor is a chronic or habitual  
10 truant under Section 26-2a of the School Code.

11 (7) In no event shall a guilty minor be committed to the  
12 Department of Juvenile Justice for a period of time in excess  
13 of that period for which an adult could be committed for the  
14 same act.

15 (8) A minor found to be guilty for reasons that include a  
16 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
17 be ordered to perform community service for not less than 30  
18 and not more than 120 hours, if community service is available  
19 in the jurisdiction. The community service shall include, but  
20 need not be limited to, the cleanup and repair of the damage  
21 that was caused by the violation or similar damage to property  
22 located in the municipality or county in which the violation  
23 occurred. The order may be in addition to any other order  
24 authorized by this Section.

25 (8.5) A minor found to be guilty for reasons that include a  
26 violation of Section 3.02 or Section 3.03 of the Humane Care

1 for Animals Act or paragraph (d) of subsection (1) of Section  
2 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
3 medical or psychiatric treatment rendered by a psychiatrist or  
4 psychological treatment rendered by a clinical psychologist.  
5 The order may be in addition to any other order authorized by  
6 this Section.

7 (9) In addition to any other sentencing order, the court  
8 shall order any minor found to be guilty for an act which would  
9 constitute, predatory criminal sexual assault of a child,  
10 aggravated criminal sexual assault, criminal sexual assault,  
11 aggravated criminal sexual abuse, or criminal sexual abuse if  
12 committed by an adult to undergo medical testing to determine  
13 whether the defendant has any sexually transmissible disease  
14 including a test for infection with human immunodeficiency  
15 virus (HIV) or any other identified causative agency of  
16 acquired immunodeficiency syndrome (AIDS). Any medical test  
17 shall be performed only by appropriately licensed medical  
18 practitioners and may include an analysis of any bodily fluids  
19 as well as an examination of the minor's person. Except as  
20 otherwise provided by law, the results of the test shall be  
21 kept strictly confidential by all medical personnel involved in  
22 the testing and must be personally delivered in a sealed  
23 envelope to the judge of the court in which the sentencing  
24 order was entered for the judge's inspection in camera. Acting  
25 in accordance with the best interests of the victim and the  
26 public, the judge shall have the discretion to determine to

1 whom the results of the testing may be revealed. The court  
2 shall notify the minor of the results of the test for infection  
3 with the human immunodeficiency virus (HIV). The court shall  
4 also notify the victim if requested by the victim, and if the  
5 victim is under the age of 15 and if requested by the victim's  
6 parents or legal guardian, the court shall notify the victim's  
7 parents or the legal guardian, of the results of the test for  
8 infection with the human immunodeficiency virus (HIV). The  
9 court shall provide information on the availability of HIV  
10 testing and counseling at the Department of Public Health  
11 facilities to all parties to whom the results of the testing  
12 are revealed. The court shall order that the cost of any test  
13 shall be paid by the county and may be taxed as costs against  
14 the minor.

15 (10) When a court finds a minor to be guilty the court  
16 shall, before entering a sentencing order under this Section,  
17 make a finding whether the offense committed either: (a) was  
18 related to or in furtherance of the criminal activities of an  
19 organized gang or was motivated by the minor's membership in or  
20 allegiance to an organized gang, or (b) involved a violation of  
21 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
22 a violation of any Section of Article 24 of the Criminal Code  
23 of 1961, or a violation of any statute that involved the  
24 wrongful use of a firearm. If the court determines the question  
25 in the affirmative, and the court does not commit the minor to  
26 the Department of Juvenile Justice, the court shall order the

1 minor to perform community service for not less than 30 hours  
2 nor more than 120 hours, provided that community service is  
3 available in the jurisdiction and is funded and approved by the  
4 county board of the county where the offense was committed. The  
5 community service shall include, but need not be limited to,  
6 the cleanup and repair of any damage caused by a violation of  
7 Section 21-1.3 of the Criminal Code of 1961 and similar damage  
8 to property located in the municipality or county in which the  
9 violation occurred. When possible and reasonable, the  
10 community service shall be performed in the minor's  
11 neighborhood. This order shall be in addition to any other  
12 order authorized by this Section except for an order to place  
13 the minor in the custody of the Department of Juvenile Justice.  
14 For the purposes of this Section, "organized gang" has the  
15 meaning ascribed to it in Section 10 of the Illinois Streetgang  
16 Terrorism Omnibus Prevention Act.

17 (11) If the court determines that the offense was committed  
18 in furtherance of the criminal activities of an organized gang,  
19 as provided in subsection (10), and that the offense involved  
20 the operation or use of a motor vehicle or the use of a  
21 driver's license or permit, the court shall notify the  
22 Secretary of State of that determination and of the period for  
23 which the minor shall be denied driving privileges. If, at the  
24 time of the determination, the minor does not hold a driver's  
25 license or permit, the court shall provide that the minor shall  
26 not be issued a driver's license or permit until his or her

1 18th birthday. If the minor holds a driver's license or permit  
2 at the time of the determination, the court shall provide that  
3 the minor's driver's license or permit shall be revoked until  
4 his or her 21st birthday, or until a later date or occurrence  
5 determined by the court. If the minor holds a driver's license  
6 at the time of the determination, the court may direct the  
7 Secretary of State to issue the minor a judicial driving  
8 permit, also known as a JDP. The JDP shall be subject to the  
9 same terms as a JDP issued under Section 6-206.1 of the  
10 Illinois Vehicle Code, except that the court may direct that  
11 the JDP be effective immediately.

12 (Source: P.A. 94-556, eff. 9-11-05; 94-696, eff. 6-1-06;  
13 95-337, eff. 6-1-08; 95-642, eff. 6-1-08; revised 11-19-07.)

14 (705 ILCS 405/ Art. V, Pt. 10 heading new)

15 PART 10. ILLINOIS YOUTH ALTERNATIVES TO CONFINEMENT TASK FORCE

16 (705 ILCS 405/5-1001 new)

17 Sec. 5-1001. Illinois Youth Alternatives to Confinement  
18 Task Force.

19 (a) There is hereby created the Illinois Youth Alternatives  
20 to Confinement Task Force.

21 (b) The Illinois Youth Alternatives to Confinement Task  
22 Force shall conduct a study and make recommendations to the  
23 General Assembly concerning:

24 (1) raising the lower age of confinement in Illinois by

1       one year from 13 to 14 and developing a range of community-  
2       based alternatives as needed;

3       (2) prohibiting confinement of youths guilty of  
4       misdemeanor offenses and developing a range of  
5       community-based alternatives as needed;

6       (3) reducing the confinement of youths based on  
7       technical probation or parole violations and developing a  
8       range of community-based alternatives as needed;

9       (4) eliminating lengthy confinement of youths who have  
10      served their time but have no alternative placement; and

11      (5) prohibiting confinement of youths charged as  
12      delinquents in adult jails.

13      (c) The Illinois Youth Alternatives to Confinement Task  
14      Force shall consist of the following members:

15      (1) one member appointed by the Director of Juvenile  
16      Justice;

17      (2) one member appointed by the President of the  
18      Senate;

19      (3) one member appointed by the Minority Leader of the  
20      Senate;

21      (4) one member appointed by the Speaker of the House;

22      (5) one member appointed by the Minority Leader of the  
23      House;

24      (6) one member appointed by the Governor;

25      (7) one member appointed by the Administrative Office  
26      of the Illinois Courts;

1           (8) one member appointed by the Secretary of Human  
2           Services;

3           (9) one member appointed by the Director of Children  
4           and Family Services;

5           (10) one member appointed by the Chair of the Illinois  
6           Juvenile Justice Commission; and

7           (11) one member appointed by the Chair of the Illinois  
8           Redeploy Illinois Partnership.

9           The Task Force shall appoint a chairperson from among its  
10          members.

11          (d) Members of the Illinois Youth Alternatives to  
12          Confinement Task Force shall serve without compensation.

13          (e) The Illinois Youth Alternatives to Confinement Task  
14          Force may begin to conduct business upon appointment of a  
15          majority of its members. The Task Force shall submit a report  
16          of its findings and recommendations to the General Assembly by  
17          January 30, 2009.

18                Section 10. The Unified Code of Corrections is amended by  
19                adding Sections 3-2.5-70, 3-2.5-75, 3-2.5-80, 3-2.5-85,  
20                3-2.5-90, 3-2.5-95, 3-2.5-100, 3-2.5-105, 3-2.5-110, and  
21                3-2.5-115 as follows:

22                (730 ILCS 5/3-2.5-70 new)

23                Sec. 3-2.5-70. Purpose. The Office of Juvenile Advocate is  
24                established within the Department of Juvenile Justice to

1 protect and promote the legal rights for youth in programs and  
2 facilities committed to the Department of Juvenile Justice,  
3 including a child released under supervision before final  
4 discharge.

5 (730 ILCS 5/3-2.5-75 new)

6 Sec. 3-2.5-75. Appointment of Juvenile Advocate. The  
7 Director of Juvenile Justice shall appoint the Juvenile  
8 Advocate. The Juvenile Advocate shall be an attorney licensed  
9 to practice law in Illinois. The Juvenile Advocate shall report  
10 to the Director. Persons employed by the Office of the Juvenile  
11 Advocate to act as "advocates" shall be attorneys or shall have  
12 expertise in the areas of juvenile justice and youth rights, as  
13 evidenced by experience in the field, or by academic  
14 background, the level and sufficiency of which shall be  
15 determined by the Director, and under the direction of the  
16 Juvenile Advocate, shall have the same duties and exercise the  
17 same powers as the Juvenile Advocate.

18 (730 ILCS 5/3-2.5-80 new)

19 Sec. 3-2.5-80. Report.

20 (a) The Juvenile Advocate shall provide to the Director,  
21 the General Assembly, and the Governor, no later than January 1  
22 of each year, a summary of reports and investigations made  
23 under this Section for the prior fiscal year. The summaries  
24 shall contain data both aggregated and disaggregated by

1 individual facility and describe:

2 (1) the work of the Juvenile Advocate;

3 (2) the results of any review or investigation  
4 undertaken by the Juvenile Advocate, including sanctions  
5 and final disposition of those recommendations, as well as  
6 reviews or investigation of services contracted by the  
7 Department of Juvenile Justice, but not contain any  
8 confidential or identifying information concerning the  
9 subjects of the reports and investigations; and

10 (3) any recommendations that the Juvenile Advocate has  
11 in relation to administrative actions and matters for  
12 consideration by the General Assembly.

13 (b) The Juvenile Advocate shall make recommendations to the  
14 Director of Juvenile Justice concerning sanctions or  
15 disciplinary actions against Department employees or providers  
16 of service under contract to the Department. The Director of  
17 Juvenile Justice shall provide the Juvenile Advocate with an  
18 implementation report on the status of any corrective actions  
19 taken on recommendations under review and shall continue  
20 sending updated reports until the corrective action is  
21 completed. Any investigation conducted by the Juvenile  
22 Advocate shall be independent and separate from the  
23 investigation mandated by the Abused and Neglected Child  
24 Reporting Act.

25 (c) If the Juvenile Advocate determines that a possible  
26 criminal act has been committed, or that special expertise is

1 required in the investigation, he or she shall immediately  
2 notify the Department of State Police. All investigations  
3 conducted by the Juvenile Advocate shall be conducted in a  
4 manner designed to ensure the preservation of evidence for  
5 possible use in a criminal prosecution. The following cases  
6 shall be reported immediately to the Director of Juvenile  
7 Justice, the Governor, and, as necessary, law enforcement if  
8 they are particularly serious or flagrant:

9 (1) case of abuse or injury of a child committed to the  
10 Department of Juvenile Justice;

11 (2) misconduct, misfeasance, malfeasance, or serious  
12 violations of rules concerning the administration of a  
13 Department of Juvenile Justice program or operation;

14 (3) problem concerning the delivery of services in a  
15 facility operated by or under contract with the Department  
16 of Juvenile Justice; or

17 (4) interference by the Department of Juvenile Justice  
18 with an investigation conducted by the Office.

19 (730 ILCS 5/3-2.5-85 new)

20 Sec. 3-2.5-85. Communication and confidentiality.

21 (a) The Department of Juvenile Justice shall allow any  
22 child committed to the Department of Juvenile Justice to  
23 communicate with the Juvenile Advocate or an assistant to the  
24 Advocate. The communication:

25 (1) may be in person, by phone, by mail, or by any

1       other means; and

2               (2) is confidential and privileged.

3       (b) The records of the Juvenile Advocate are confidential,  
4 except that the Advocate shall:

5               (1) share with the Director of Juvenile Justice a  
6 communication with a child that may involve the abuse or  
7 neglect of the child; and

8               (2) disclose its nonprivileged records if required by a  
9 court order on a showing of good cause.

10       (c) The Juvenile Advocate may make reports relating to an  
11 investigation public after the investigation is complete but  
12 only if the names of all children, parents, and employees are  
13 redacted from the report and remain confidential.

14       (d) The name, address, or other personally identifiable  
15 information of a person who files a complaint with the Office  
16 of Juvenile Advocate, information generated by the Office of  
17 Juvenile Advocate in the course of an investigation, and  
18 confidential records obtained by the Office of Juvenile  
19 Advocate are confidential and not subject to disclosure under  
20 the Freedom of Information Act, except that the information and  
21 records, other than confidential information and records  
22 concerning a pending law enforcement investigation or criminal  
23 action, may be disclosed to the appropriate person if the  
24 office determines that disclosure is:

25               (1) in the general public interest;

26               (2) necessary to enable the office to perform the

1 responsibilities provided under this section; or

2 (3) necessary to identify, prevent, or treat the abuse  
3 or neglect of a child.

4 (730 ILCS 5/3-2.5-90 new)

5 Sec. 3-2.5-90. Promotion of awareness of Office. The  
6 Juvenile Advocate shall promote awareness among the public and  
7 the children committed to the Department of Juvenile Justice  
8 of:

9 (1) how the Office may be contacted;

10 (2) the purpose of the Office;

11 (3) the confidential nature of communications; and

12 (4) the services the Office provides.

13 (730 ILCS 5/3-2.5-95 new)

14 Sec. 3-2.5-95. Duties and powers.

15 (a) The Juvenile Advocate shall:

16 (1) review and monitor the implementation of the  
17 policies and regulations established by the Department of  
18 Juvenile Justice and evaluate the delivery of services to  
19 minors to ensure that the rights of minors are fully  
20 observed;

21 (2) review complaints filed with the Juvenile Advocate  
22 concerning the actions of the Department of Juvenile  
23 Justice and investigate each complaint in which it appears  
24 that a minor may be in need of assistance;

1           (3) conduct investigations of complaints, other than  
2 complaints alleging criminal behavior, if the Office  
3 determines that:

4           (A) a minor committed to the Department of Juvenile  
5 Justice or the minor's family may be in need of  
6 assistance from the Office; or

7           (B) a systemic issue in the Department of Juvenile  
8 Justice's provision of services is raised by a  
9 complaint;

10          (4) review or inspect periodically the facilities and  
11 procedures of any institution or residence in which a minor  
12 has been placed by the Department of Juvenile Justice to  
13 ensure that the rights of minors are fully observed;

14          (5) serve as a resource to youth committed to the  
15 department by informing them of pertinent laws,  
16 regulations, and policies, and their rights thereunder;

17          (6) provide assistance to a minor or family who the  
18 Juvenile Advocate determines is in need of assistance,  
19 including advocating with an agency, provider, or other  
20 person in the best interests of the minor;

21          (7) review court orders as necessary to fulfill its  
22 duties;

23          (8) recommend policies, regulations, and legislation  
24 designed to protect youth committed to the Department of  
25 Juvenile Justice;

26          (9) make appropriate referrals under any of the duties

1 and powers listed in this subsection; and

2 (10) supervise those serving as advocates in their  
3 representation of minors committed to the Department of  
4 Juvenile Justice in internal administrative and  
5 disciplinary hearings.

6 (b) The Juvenile Advocate may apprise persons who are  
7 interested in a minor's welfare of the rights of the minor.

8 (c) To assess if a minor's rights have been violated, the  
9 Juvenile Advocate may, in any matter that does not involve  
10 alleged criminal behavior, contact or consult with an  
11 administrator, employee, minor, parent, expert, or any other  
12 individual in the course of its investigation or to secure  
13 information.

14 (d) Notwithstanding any other provision of law, the  
15 Juvenile Advocate may not investigate alleged criminal  
16 behavior. If the Juvenile Advocate determines that a possible  
17 criminal act has been committed, or that special expertise is  
18 required in the investigation, he or she shall immediately  
19 notify the Department of State Police.

20 (730 ILCS 5/3-2.5-100 new)

21 Sec. 3-2.5-100. Retaliation. The Department of Juvenile  
22 Justice may not discharge, demote, or in any manner  
23 discriminate or retaliate against an employee who in good faith  
24 makes a complaint to the Office of Juvenile Advocate or  
25 cooperates with the Office in an investigation.

1 (730 ILCS 5/3-2.5-105 new)

2 Sec. 3-2.5-105. Training. The Juvenile Advocate may attend  
3 appropriate professional training.

4 (730 ILCS 5/3-2.5-110 new)

5 Sec. 3-2.5-110. Access to information of governmental  
6 entities.

7 (a) The Department of Juvenile Justice shall allow the  
8 Juvenile Advocate access to its records relating to minors  
9 committed to the Department's care or custody.

10 (b) A local law enforcement agency shall allow the Juvenile  
11 Advocate access to its records relating to any minor in the  
12 care or custody of the Department of Juvenile Justice.

13 (730 ILCS 5/3-2.5-115 new)

14 Sec. 3-2.5-115. Notification to the Office of the Juvenile  
15 Advocate of critical incidents. The Office of the Juvenile  
16 Advocate shall receive copies of critical incident reports  
17 involving a youth residing in a facility operated by the  
18 department.

19 Section 15. The Freedom of Information Act is amended by  
20 changing Section 7 as follows:

21 (5 ILCS 140/7) (from Ch. 116, par. 207)

1           Sec. 7. Exemptions.

2           (1) The following shall be exempt from inspection and  
3 copying:

4           (a) Information specifically prohibited from  
5 disclosure by federal or State law or rules and regulations  
6 adopted under federal or State law.

7           (b) Information that, if disclosed, would constitute a  
8 clearly unwarranted invasion of personal privacy, unless  
9 the disclosure is consented to in writing by the individual  
10 subjects of the information. The disclosure of information  
11 that bears on the public duties of public employees and  
12 officials shall not be considered an invasion of personal  
13 privacy. Information exempted under this subsection (b)  
14 shall include but is not limited to:

15           (i) files and personal information maintained with  
16 respect to clients, patients, residents, students or  
17 other individuals receiving social, medical,  
18 educational, vocational, financial, supervisory or  
19 custodial care or services directly or indirectly from  
20 federal agencies or public bodies;

21           (ii) personnel files and personal information  
22 maintained with respect to employees, appointees or  
23 elected officials of any public body or applicants for  
24 those positions;

25           (iii) files and personal information maintained  
26 with respect to any applicant, registrant or licensee

1 by any public body cooperating with or engaged in  
2 professional or occupational registration, licensure  
3 or discipline;

4 (iv) information required of any taxpayer in  
5 connection with the assessment or collection of any tax  
6 unless disclosure is otherwise required by State  
7 statute;

8 (v) information revealing the identity of persons  
9 who file complaints with or provide information to  
10 administrative, investigative, law enforcement or  
11 penal agencies; provided, however, that identification  
12 of witnesses to traffic accidents, traffic accident  
13 reports, and rescue reports may be provided by agencies  
14 of local government, except in a case for which a  
15 criminal investigation is ongoing, without  
16 constituting a clearly unwarranted per se invasion of  
17 personal privacy under this subsection; and

18 (vi) the names, addresses, or other personal  
19 information of participants and registrants in park  
20 district, forest preserve district, and conservation  
21 district programs.

22 (c) Records compiled by any public body for  
23 administrative enforcement proceedings and any law  
24 enforcement or correctional agency for law enforcement  
25 purposes or for internal matters of a public body, but only  
26 to the extent that disclosure would:

1 (i) interfere with pending or actually and  
2 reasonably contemplated law enforcement proceedings  
3 conducted by any law enforcement or correctional  
4 agency;

5 (ii) interfere with pending administrative  
6 enforcement proceedings conducted by any public body;

7 (iii) deprive a person of a fair trial or an  
8 impartial hearing;

9 (iv) unavoidably disclose the identity of a  
10 confidential source or confidential information  
11 furnished only by the confidential source;

12 (v) disclose unique or specialized investigative  
13 techniques other than those generally used and known or  
14 disclose internal documents of correctional agencies  
15 related to detection, observation or investigation of  
16 incidents of crime or misconduct;

17 (vi) constitute an invasion of personal privacy  
18 under subsection (b) of this Section;

19 (vii) endanger the life or physical safety of law  
20 enforcement personnel or any other person; or

21 (viii) obstruct an ongoing criminal investigation.

22 (d) Criminal history record information maintained by  
23 State or local criminal justice agencies, except the  
24 following which shall be open for public inspection and  
25 copying:

26 (i) chronologically maintained arrest information,

1           such as traditional arrest logs or blotters;

2           (ii) the name of a person in the custody of a law  
3 enforcement agency and the charges for which that  
4 person is being held;

5           (iii) court records that are public;

6           (iv) records that are otherwise available under  
7 State or local law; or

8           (v) records in which the requesting party is the  
9 individual identified, except as provided under part  
10 (vii) of paragraph (c) of subsection (1) of this  
11 Section.

12           "Criminal history record information" means data  
13 identifiable to an individual and consisting of  
14 descriptions or notations of arrests, detentions,  
15 indictments, informations, pre-trial proceedings, trials,  
16 or other formal events in the criminal justice system or  
17 descriptions or notations of criminal charges (including  
18 criminal violations of local municipal ordinances) and the  
19 nature of any disposition arising therefrom, including  
20 sentencing, court or correctional supervision,  
21 rehabilitation and release. The term does not apply to  
22 statistical records and reports in which individuals are  
23 not identified and from which their identities are not  
24 ascertainable, or to information that is for criminal  
25 investigative or intelligence purposes.

26           (e) Records that relate to or affect the security of

1 correctional institutions and detention facilities.

2 (f) Preliminary drafts, notes, recommendations,  
3 memoranda and other records in which opinions are  
4 expressed, or policies or actions are formulated, except  
5 that a specific record or relevant portion of a record  
6 shall not be exempt when the record is publicly cited and  
7 identified by the head of the public body. The exemption  
8 provided in this paragraph (f) extends to all those records  
9 of officers and agencies of the General Assembly that  
10 pertain to the preparation of legislative documents.

11 (g) Trade secrets and commercial or financial  
12 information obtained from a person or business where the  
13 trade secrets or information are proprietary, privileged  
14 or confidential, or where disclosure of the trade secrets  
15 or information may cause competitive harm, including:

16 (i) All information determined to be confidential  
17 under Section 4002 of the Technology Advancement and  
18 Development Act.

19 (ii) All trade secrets and commercial or financial  
20 information obtained by a public body, including a  
21 public pension fund, from a private equity fund or a  
22 privately held company within the investment portfolio  
23 of a private equity fund as a result of either  
24 investing or evaluating a potential investment of  
25 public funds in a private equity fund. The exemption  
26 contained in this item does not apply to the aggregate

1 financial performance information of a private equity  
2 fund, nor to the identity of the fund's managers or  
3 general partners. The exemption contained in this item  
4 does not apply to the identity of a privately held  
5 company within the investment portfolio of a private  
6 equity fund, unless the disclosure of the identity of a  
7 privately held company may cause competitive harm.

8 Nothing contained in this paragraph (g) shall be construed  
9 to prevent a person or business from consenting to disclosure.

10 (h) Proposals and bids for any contract, grant, or  
11 agreement, including information which if it were  
12 disclosed would frustrate procurement or give an advantage  
13 to any person proposing to enter into a contractor  
14 agreement with the body, until an award or final selection  
15 is made. Information prepared by or for the body in  
16 preparation of a bid solicitation shall be exempt until an  
17 award or final selection is made.

18 (i) Valuable formulae, computer geographic systems,  
19 designs, drawings and research data obtained or produced by  
20 any public body when disclosure could reasonably be  
21 expected to produce private gain or public loss. The  
22 exemption for "computer geographic systems" provided in  
23 this paragraph (i) does not extend to requests made by news  
24 media as defined in Section 2 of this Act when the  
25 requested information is not otherwise exempt and the only  
26 purpose of the request is to access and disseminate

1 information regarding the health, safety, welfare, or  
2 legal rights of the general public.

3 (j) Test questions, scoring keys and other examination  
4 data used to administer an academic examination or  
5 determined the qualifications of an applicant for a license  
6 or employment.

7 (k) Architects' plans, engineers' technical  
8 submissions, and other construction related technical  
9 documents for projects not constructed or developed in  
10 whole or in part with public funds and the same for  
11 projects constructed or developed with public funds, but  
12 only to the extent that disclosure would compromise  
13 security, including but not limited to water treatment  
14 facilities, airport facilities, sport stadiums, convention  
15 centers, and all government owned, operated, or occupied  
16 buildings.

17 (l) Library circulation and order records identifying  
18 library users with specific materials.

19 (m) Minutes of meetings of public bodies closed to the  
20 public as provided in the Open Meetings Act until the  
21 public body makes the minutes available to the public under  
22 Section 2.06 of the Open Meetings Act.

23 (n) Communications between a public body and an  
24 attorney or auditor representing the public body that would  
25 not be subject to discovery in litigation, and materials  
26 prepared or compiled by or for a public body in

1 anticipation of a criminal, civil or administrative  
2 proceeding upon the request of an attorney advising the  
3 public body, and materials prepared or compiled with  
4 respect to internal audits of public bodies.

5 (o) Information received by a primary or secondary  
6 school, college or university under its procedures for the  
7 evaluation of faculty members by their academic peers.

8 (p) Administrative or technical information associated  
9 with automated data processing operations, including but  
10 not limited to software, operating protocols, computer  
11 program abstracts, file layouts, source listings, object  
12 modules, load modules, user guides, documentation  
13 pertaining to all logical and physical design of  
14 computerized systems, employee manuals, and any other  
15 information that, if disclosed, would jeopardize the  
16 security of the system or its data or the security of  
17 materials exempt under this Section.

18 (q) Documents or materials relating to collective  
19 negotiating matters between public bodies and their  
20 employees or representatives, except that any final  
21 contract or agreement shall be subject to inspection and  
22 copying.

23 (r) Drafts, notes, recommendations and memoranda  
24 pertaining to the financing and marketing transactions of  
25 the public body. The records of ownership, registration,  
26 transfer, and exchange of municipal debt obligations, and

1 of persons to whom payment with respect to these  
2 obligations is made.

3 (s) The records, documents and information relating to  
4 real estate purchase negotiations until those negotiations  
5 have been completed or otherwise terminated. With regard to  
6 a parcel involved in a pending or actually and reasonably  
7 contemplated eminent domain proceeding under the Eminent  
8 Domain Act, records, documents and information relating to  
9 that parcel shall be exempt except as may be allowed under  
10 discovery rules adopted by the Illinois Supreme Court. The  
11 records, documents and information relating to a real  
12 estate sale shall be exempt until a sale is consummated.

13 (t) Any and all proprietary information and records  
14 related to the operation of an intergovernmental risk  
15 management association or self-insurance pool or jointly  
16 self-administered health and accident cooperative or pool.

17 (u) Information concerning a university's adjudication  
18 of student or employee grievance or disciplinary cases, to  
19 the extent that disclosure would reveal the identity of the  
20 student or employee and information concerning any public  
21 body's adjudication of student or employee grievances or  
22 disciplinary cases, except for the final outcome of the  
23 cases.

24 (v) Course materials or research materials used by  
25 faculty members.

26 (w) Information related solely to the internal

1 personnel rules and practices of a public body.

2 (x) Information contained in or related to  
3 examination, operating, or condition reports prepared by,  
4 on behalf of, or for the use of a public body responsible  
5 for the regulation or supervision of financial  
6 institutions or insurance companies, unless disclosure is  
7 otherwise required by State law.

8 (y) Information the disclosure of which is restricted  
9 under Section 5-108 of the Public Utilities Act.

10 (z) Manuals or instruction to staff that relate to  
11 establishment or collection of liability for any State tax  
12 or that relate to investigations by a public body to  
13 determine violation of any criminal law.

14 (aa) Applications, related documents, and medical  
15 records received by the Experimental Organ Transplantation  
16 Procedures Board and any and all documents or other records  
17 prepared by the Experimental Organ Transplantation  
18 Procedures Board or its staff relating to applications it  
19 has received.

20 (bb) Insurance or self insurance (including any  
21 intergovernmental risk management association or self  
22 insurance pool) claims, loss or risk management  
23 information, records, data, advice or communications.

24 (cc) Information and records held by the Department of  
25 Public Health and its authorized representatives relating  
26 to known or suspected cases of sexually transmissible

1 disease or any information the disclosure of which is  
2 restricted under the Illinois Sexually Transmissible  
3 Disease Control Act.

4 (dd) Information the disclosure of which is exempted  
5 under Section 30 of the Radon Industry Licensing Act.

6 (ee) Firm performance evaluations under Section 55 of  
7 the Architectural, Engineering, and Land Surveying  
8 Qualifications Based Selection Act.

9 (ff) Security portions of system safety program plans,  
10 investigation reports, surveys, schedules, lists, data, or  
11 information compiled, collected, or prepared by or for the  
12 Regional Transportation Authority under Section 2.11 of  
13 the Regional Transportation Authority Act or the St. Clair  
14 County Transit District under the Bi-State Transit Safety  
15 Act.

16 (gg) Information the disclosure of which is restricted  
17 and exempted under Section 50 of the Illinois Prepaid  
18 Tuition Act.

19 (hh) Information the disclosure of which is exempted  
20 under the State Officials and Employees Ethics Act.

21 (ii) Beginning July 1, 1999, information that would  
22 disclose or might lead to the disclosure of secret or  
23 confidential information, codes, algorithms, programs, or  
24 private keys intended to be used to create electronic or  
25 digital signatures under the Electronic Commerce Security  
26 Act.

1           (jj) Information contained in a local emergency energy  
2 plan submitted to a municipality in accordance with a local  
3 emergency energy plan ordinance that is adopted under  
4 Section 11-21.5-5 of the Illinois Municipal Code.

5           (kk) Information and data concerning the distribution  
6 of surcharge moneys collected and remitted by wireless  
7 carriers under the Wireless Emergency Telephone Safety  
8 Act.

9           (ll) Vulnerability assessments, security measures, and  
10 response policies or plans that are designed to identify,  
11 prevent, or respond to potential attacks upon a community's  
12 population or systems, facilities, or installations, the  
13 destruction or contamination of which would constitute a  
14 clear and present danger to the health or safety of the  
15 community, but only to the extent that disclosure could  
16 reasonably be expected to jeopardize the effectiveness of  
17 the measures or the safety of the personnel who implement  
18 them or the public. Information exempt under this item may  
19 include such things as details pertaining to the  
20 mobilization or deployment of personnel or equipment, to  
21 the operation of communication systems or protocols, or to  
22 tactical operations.

23           (mm) Maps and other records regarding the location or  
24 security of generation, transmission, distribution,  
25 storage, gathering, treatment, or switching facilities  
26 owned by a utility or by the Illinois Power Agency.

1           (nn) Law enforcement officer identification  
2 information or driver identification information compiled  
3 by a law enforcement agency or the Department of  
4 Transportation under Section 11-212 of the Illinois  
5 Vehicle Code.

6           (oo) Records and information provided to a residential  
7 health care facility resident sexual assault and death  
8 review team or the Executive Council under the Abuse  
9 Prevention Review Team Act.

10          (pp) Information provided to the predatory lending  
11 database created pursuant to Article 3 of the Residential  
12 Real Property Disclosure Act, except to the extent  
13 authorized under that Article.

14          (qq) Defense budgets and petitions for certification  
15 of compensation and expenses for court appointed trial  
16 counsel as provided under Sections 10 and 15 of the Capital  
17 Crimes Litigation Act. This subsection (qq) shall apply  
18 until the conclusion of the trial of the case, even if the  
19 prosecution chooses not to pursue the death penalty prior  
20 to trial or sentencing.

21          (rr) Information contained in or related to proposals,  
22 bids, or negotiations related to electric power  
23 procurement under Section 1-75 of the Illinois Power Agency  
24 Act and Section 16-111.5 of the Public Utilities Act that  
25 is determined to be confidential and proprietary by the  
26 Illinois Power Agency or by the Illinois Commerce

1 Commission.

2 (ss) Information and records collected by the Juvenile  
3 Advocate or his or her employees, except as provided by  
4 Section 3-2.5-85.

5 (2) This Section does not authorize withholding of  
6 information or limit the availability of records to the public,  
7 except as stated in this Section or otherwise provided in this  
8 Act.

9 (Source: P.A. 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664,  
10 eff. 1-1-06; 94-931, eff. 6-26-06; 94-953, eff. 6-27-06;  
11 94-1055, eff. 1-1-07; 95-331, eff. 8-21-07; 95-481, eff.  
12 8-28-07.)

13 Section 95. No acceleration or delay. Where this Act makes  
14 changes in a statute that is represented in this Act by text  
15 that is not yet or no longer in effect (for example, a Section  
16 represented by multiple versions), the use of that text does  
17 not accelerate or delay the taking effect of (i) the changes  
18 made by this Act or (ii) provisions derived from any other  
19 Public Act.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."